

JOURNAL OF THE HOUSE.

Monday, January 26, 2004.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mrs. Walrath of Stow in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer.

God of Goodness and Hope, You, Your assistance and guidance enable us to respond rightly to the many, often emotional, political and cultural issues which we face as legislators and members of our own diverse communities. Grant us the patience to sift through the vast amount of information and data and to evaluate the daily barrage of sound bytes and bits in our search for knowledge, accuracy and truth. Your gift of wisdom and our own knowledge of history help us to plan thoughtfully for both the present and future, so that our communities will be peaceful and safe and orderly. Teach us to respect the civil and human rights of all and the religious rights of believers even during times of disagreement on major issues.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

Pledge of
allegiance.

At the request of the Chair (Mrs. Walrath), the members, guests and employees joined with her in reciting the pledge of allegiance to the flag.

Order.

Mr. Finneran of Boston offered the following order:

Health
insurance.

Ordered, That the joint committees on Health Care, Insurance, and Ways and Means and the House committee on Medicaid be authorized to sit jointly and report on the initiative petition of Harold Hestnes and others for the passage of a Proposal for an Initiative Amendment to the Constitution relative to the provision of health insurance (House, No. 4444).

Under suspension of the rules, on motion of Mr. Rodrigues of Westport, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

Petition.

Webster,
land
conveyance.

Mr. Kujawski of Webster presented a petition (subject to Joint Rule 12) of Paul Kujawski and Richard T. Moore relative to authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of Webster to said town to be used for a community youth facility; and the same was referred, under Rule 24, to the committee on Rules.

Papers from the Senate.

Electronic
notarization.

The House Bill relative to the notarization of documents, including electronic notarization (House, No. 4217, changed) came from the

Senate passed to be engrossed, in concurrence, with certain amendments inserting after the enacting clause the following section:

"SECTION 1. Chapter 207 of the General Laws is hereby amended by striking out sections 38 and 39, as appearing in the 2002 Official Edition, and inserting in place thereof the following 2 sections:—

Section 38. A marriage may be solemnized in any place in the commonwealth by a resident of the commonwealth who is so authorized by a church or religious organization, or by a city or town clerk or assistant city or town clerk, a clerk or assistant clerk of a court or a clerk or assistant clerk of the senate or house of representatives or by a justice of the peace if he has been so designated and has received a certificate of designation under section 39.

Section 39. The governor may, in his discretion, designate a justice of the peace in each town and such further number, not exceeding 1 for every 5,000 inhabitants of a city or town, as he considers expedient, to solemnize marriages, and may for a cause at any time revoke such designation.

The state secretary may authorize, subject to such conditions as he may determine, the solemnization of any specified marriage anywhere within the commonwealth by a non-resident clergy or non-clergy person desiring to solemnize a marriage. Upon application and payment of \$25, the state secretary shall issue a certificate of authorization to the person requesting permission to solemnize the marriage. Within 10 days of the completion of such solemnization, such person shall file the certificate with the town or city clerk where the certificate issued under section 28 was obtained. If the marriage is cancelled, postponed or fails to occur for whatever reason, the certificate shall be returned to the state secretary. Such certificate shall expire upon completion of such solemnization.

If any person solemnizes a specified marriage anywhere within the commonwealth without having obtained a certificate under this section, the state secretary, upon application of such person, may issue a certificate validating such person's acts. Whoever violates the filing provision of this section shall be punished by a fine of not more than \$100."; by inserting after line 36 (as printed) the following sentence: "Failure to comply with subclause (b) shall not affect the validity of any instrument, or the record thereof."; in line 56 by inserting after the word "(date)" the following:— " , but failure to include the expiration date shall not affect the validity of any instrument, or the record thereof".

Under suspension of Rule 35, on motion of Mr. Hynes of Marshfield, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Bills

Relative to the powers of trust companies (Senate, No. 15) (on a petition);

Trust
companies.

Relative to leasing motor vehicles (Senate, No. 1353) (on House No. 1168);

Vehicle
leasing.

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

*Reports of Committees.*UMass
research
faculty,
retirement.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Public Service to make an investigation and study of certain House documents concerning active and retired public employees and other related matters (House, No. 4303), reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 2873) of Vincent A. Pedone and Harriette L. Chandler relative to providing creditable service for retirement purposes for certain research faculty employed at the University of Massachusetts,— and recommending that the same be recommitted to the committee on Public Service. Under Rule 42, the report was considered forthwith; and it was accepted.

Waltham,
park land
for water
purposes.

By Mr. Greene of Billerica, for the committee on Natural Resources and Agriculture, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3849) of Thomas M. Stanley, David F. Gately (mayor) and others (members of the city council) (with the approval of the mayor and city council) that the city of Waltham be authorized to use certain park land for water supply purposes,— and recommending that the same be referred to the committee on State Administration. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Life
insurance
contracts.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the House Bill clarifying certain separate accounts (printed as Senate, No. 850) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Ms. Jehlen of Somerville, the bill was read a second time forthwith; and it was ordered to a third reading.

Tuition
waivers,
study.

By Ms. St. Fleur of Boston, for the committee on Education, Arts and Humanities, on Senate, No. 235 and House, Nos. 124, 325, 328, 1067, 1638, 2226, 2572, 2576, 2578, 2752, 2774 and 3137, an Order relative to authorizing the committee on Education, Arts and Humanities to make an investigation and study of certain Senate and House documents concerning tuition waivers (House, No. 4468).

Bilingual
education,
study.

By the same member, for the same committee, on Senate, Nos. 224 and 258 and House, Nos. 1835, 2410, 2941, 3127, 3128, 3129 and 3131, an Order relative to authorizing the committee on Education, Arts and Humanities to make an investigation and study of certain Senate and House documents concerning bilingual education (House, No. 4467).

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported, in each instance, asking to be discharged from further consideration of said orders; and recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Mr. Bosley of North Adams, for the committee on Government Regulations, on a petition, a Bill relative to Vital Records (House, No. 545).

Vital
records.

By the same member, for the same committee, on a petition, a Bill requiring continuing education for licensed plumbers and gas fitters acting in the capacity of a self-employed contractor (House, No. 549).

Plumbers and
gasfitters.

By Mr. Greene of Billerica, for the committee on Natural Resources and Agriculture, on a petition, a Bill relative to the Environmental Trust (House, No. 395).

Environmental
Trust.

By the same member, for the same committee, on a petition, a Bill exempting former prisoners of war from fees for use of state parks and recreational land (House, No. 2649).

Fees,
state
parks.

By Mr. Koczera of New Bedford, for the committee on Public Service, on a petition, a Bill relative to the public higher education optional retirement program (House, No. 224).

Higher
Education.

By Mr. Casey of Winchester, for the committee on Taxation, on House, No. 3602, a Bill to create an exemption for low-income seniors from proposition 2½ overrides (House, No. 4470)

Proposition
2½,
seniors
exemptions.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Greene of Billerica, for the committee on Natural Resources and Agriculture, on House, Nos. 41 and 43, a Bill relative to annual compliance fees (House, No. 43).

Annual
compliance
fee.

By the same member, for the same committee, on House, Nos. 44 and 46, a Bill making corrective changes in certain laws pertaining to animal health (House, No. 46).

Animal
health.

Severally read; and referred, under Rule 33D, to the committee on Homeland Security and Federal Affairs.

By Mr. Bosley of North Adams, for the committee on Government Regulations, on a petition, a Bill relative to the underground cable reimbursement schedule (House, No. 1857).

Underground
cable.

By the same member, for the same committee, on a petition, a Bill authorizing the town of Pepperell to place a certain question relative to the sale of alcoholic beverages on the towns election ballot (House, No. 4377) [Local Approval Received].

Pepperell,
liquor
licenses.

By Mr. Greene of Billerica, for the committee on Natural Resources and Agriculture, on House, Nos. 44 and 45, a Bill clarifying certain powers and duties of the Department of Food and Agriculture pertaining to dairy farms (House, No. 45).

Dairy
farms.

By the same member, for the same committee, on a petition, a Bill providing for an animal control commission in the town of Lancaster (House, No. 3879) [Local Approval Received].

Lancaster,
animal
control.

By Mr. Koczera of New Bedford, for the committee on Public Service, on a petition, a Bill relative to labor relations (House, No. 603).

Labor
relations.

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Rogers of Norwood, for the committee on Ways and Means, on a message from His Excellency the Governor (for message, see House, No. 4365), returning with His disapproval of certain items and sections and reductions in certain items contained in the engrossed

Supplemental
appropriations,
disapproval.

Supplemental
appropriations,
disapproval.

Bill making appropriations for the fiscal year 2004 to provide for supplementing certain existing appropriations and for certain other activities and projects (see House, No. 4330), reported, in part, that the item 1599-4500 (contained in section 2) stand (as passed by the General Court):

“1599-4500 For a reserve to leverage a federal grant for the Help America Vote Act; provided, that the secretary of the commonwealth shall submit a report no later than December 20, 2003 to the house and senate committees on ways and means that shall include but not be limited to the following; summarizing the implementation of this act, amount of federal funds received as a result of this appropriation, how the state and federal funds will be spent, how much in state spending is needed to access the remainder of federal funds associated with the Help America Vote Act 1,727,500”.

[The Governor had vetoed said item.]

Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House, the question being on shall said item stand as passed by the General Court.

Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:

Senate bills

Relative to credit union boards of directors (Senate, No. 13);

Authorizing the appointment of Kenneth E. Wright as a police officer in the town of Mansfield (Senate, No. 1589);

Designating state highway Route 146A in the town of Uxbridge as the Lydia Taft Highway (Senate, No. 1890);

Relative to the Dedham-Westwood Water District (Senate, No. 1965, changed); and

Designating a certain bridge in the city of Quincy as the Paul D. Harold memorial bridge (Senate, No. 1980, changed) [Local Approval Received]; and

House bills

Relative to the use of retired police officers by the town of Grafton (House, No. 3936) [Local Approval Received];

Authorizing the city of Lowell to pay a certain unpaid bill (House, No. 4216) [Local Approval Received];

Relative to parking violations in the town of Marblehead (House, No. 4235) [Local Approval Received]; and

Authorizing the Fitchburg Housing Authority to convey certain land (House, No. 4242) [Local Approval Received];

Severally placed in the Orders of the Day for the next sitting for a second reading.

Credit unions.

Kenneth
Wright.

Taft
Highway.

Dedham-
Westwood.

Paul
Harold,
bridge.

Grafton.

Lowell.

Marblehead,
parking.

Fitchburg,
land.

Engrossed Bills.

Engrossed bills

Authorizing the Division of Capital Asset Management and Maintenance to convey certain land in the town of Bridgewater to Patrick Driscoll (see Senate, No. 1691, amended); Bills
enacted.

Designating a certain overpass in the city of Newburyport as the Raymond F. Welch Memorial Overpass (see Senate, No. 1854);

(Which severally originated in the Senate);

Relative to the use of motorcyclist's head gear in parades (see House, No. 206, changed);

Relative to public works functions in the town of Belmont (see House, No. 4084);

Relative to parking violations in the town of Wellfleet (see House, No. 4122); and

Relative to the notarization of documents, including electronic notarization (see House, No. 4217, changed);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Orders of the Day.

The Senate Bill providing for a fuel revolving account at Nantucket Memorial Airport (Senate, No. 1170), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence. Third
reading
bill

House bills

Relative to the dissemination of criminal record information to private detectives (House, No. 1721); and Third
reading
bills.

Relative to motorcycle safety (House, No. 2124) (its title having been changed by the committee on Bills in the Third Reading);

Severally reported by said committee to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Order.

On motion of Mr. Finneran of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet on Thursday next at eleven o'clock A.M. Next
meeting.

At five minutes after twelve o'clock noon, on further motion of Mr. Finneran (Mrs. Walrath of Stow being in the Chair), the House adjourned, to meet on Thursday next at eleven o'clock A.M.